

United States Court of Appeals
For the Eighth Circuit

No. 13-2952

Joleen Armstrong

Plaintiff - Appellant

v.

Mankato Area Public Schools, Independent School District No. 77

Defendant - Appellee

Appeal from United States District Court
for the District of Minnesota - Minneapolis

Submitted: May 7, 2014

Filed: May 27, 2014

[Unpublished]

Before WOLLMAN, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

Joleen Armstrong appeals from the District Court's¹ adverse grant of summary judgment in her action brought under the Age Discrimination in Employment Act and

¹The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota.

the Minnesota Human Rights Act. Upon our careful de novo review, we agree with the District Court that Armstrong failed to demonstrate that a genuine issue of material fact existed as to whether her former employer's legitimate and nondiscriminatory reason for non-renewing her probationary contract was pretext for age discrimination. See Tusing v. Des Moines Indep. Cmty. Sch. Dist., 639 F.3d 507, 514, 516 (8th Cir. 2011) (stating standard of review and noting that to prove pretext, a plaintiff must show that employer's stated reason was false and that age was the real reason for the adverse employment action); Roeben v. BG Excelsior Ltd. P'ship, 545 F.3d 639, 643 (8th Cir. 2008) (holding that a showing of pretext requires more than merely discrediting the asserted reason for terminating an employee; circumstances must permit a reasonable inference of discriminatory animus); Fitzgerald v. Action, Inc., 521 F.3d 867, 877 (8th Cir. 2008) (noting unlikelihood that a supervisor would hire an older employee and then discriminate based on age); Putman v. Unity Health Sys., 348 F.3d 732, 733–34 (8th Cir. 2003) (noting that to establish pretext, a plaintiff must substantiate allegations with probative evidence; speculation and conjecture are insufficient). Accordingly, we affirm the judgment of the District Court. See 8th Cir. R. 47B.
